

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LILLIE MAE WASHINGTON,

Plaintiff,

v.

HOME LOANS DIRECT, INC., et al.,

Defendants.

Case No. 2:09-CV-08213-SJO-RZ

**JOINT STATUS REPORT FOR
SCHEDULING CONFERENCE**

DATE: November 15, 2010

TIME: 10:00 a.m.

ROOM: 1

JUDGE: S. James Otero

In anticipation of the Scheduling Conference set for November 15, 2010, at 10:00 a.m., the parties, through their respective counsel, submit the following Joint Status Report to the Court:

A. COUNSEL FOR THE PARTIES / STATUS OF PARTIES

Plaintiff **LILLIE MAE WASHINGTON** is represented by Mitchell L. Abdallah with the Abdallah Law Group.

Parties Who Have Been Served and Appeared

Defendant **JONATHAN ANNETT** is represented by Shawn M. Olson with the Olson Law Firm, 7372 Prince Drive, Suite 104, Huntington Beach, California. Said defendant was

1 served with the Second Amended Complaint on September 17, 2010, and responded with a
2 motion to dismiss the Second Amended Complaint set to be heard November 15, 2010.

3 Defendants **LODES CAPITAL ESCROW, INC.**, and **NIKKI HALL** are represented
4 by Fred S. Pardes with the Law Offices of Fred S. Pardes, 34211 Pacific Coast Highway, Suite
5 103, Dana Point, California. Said defendants were served with the Second Amended Complaint
6 on September 17, 2010, and filed their answer on October 8, 2010. Said defendants also joined
7 in JONATHAN ANNETT's motion to dismiss the Second Amended Complaint set to be heard
8 November 15, 2010.

10 **Parties Who Have Been Served and Not Yet Appeared**

11 Defendants **OCWEN FINANCIAL CORPORATION** and **MORTGAGE**
12 **ELECTRONIC REGISTRATION SYSTEMS, INC.**, are represented by Brent A. Kramer
13 with the law firm of Houser & Allison, 3760 Kilroy Airport Way, Suite 260, Long Beach,
14 California. Said defendants were served with the Second Amended Complaint on September 17,
15 2010. No response has been filed to date.

17 Defendant **WESTERN PROGRESSIVE, LLC**, was served with the Second Amended
18 Complaint on September 23, 2010. No response has been filed to date.

19 Defendant **HOME LOANS DIRECT** was served with the Second Amended Complaint
20 on September 23, 2010. No response has been filed to date.

22 **Parties Who Have Not Been Served**

23 Plaintiff has been unable to effect service of the Second Amended Complaint on
24 defendant **FOX FIELDS FINANCIAL**. Plaintiff filed a Declaration of Due Diligence
25 regarding this defendant on October 13, 2010.

26 Plaintiff has been unable to effect service of the Second Amended Complaint on
27 defendant **DENNIS WILLIAM COX**. Plaintiff filed a Declaration of Non-Service regarding
28

1 this defendant on October 13, 2010.

2 **Dismissed/Terminated Parties**

3 All remaining defendants have been dismissed, the complaint having been terminated
4 against them (to wit: AMERICAN HOME LOANS dba CBSK FINANCIAL CORP.; DE
5 HDL, INC.; CHRISTOPHER FOX; and HISHAM DESOUKI).

7 **B. SUMMARY OF CLAIMS**

8 Lillie Mae Washington ("Plaintiff") alleges the following:

9 This action arises from predatory lending practices that led to a threatened foreclosure of
10 Plaintiff's home. Plaintiff is a 96-year-old woman that has been living in her home for 36 years.
11 Plaintiff was fraudulently induced to refinance her property to an adjustable rate mortgage.

12 In October 2006, ex-defendant AMERICAN HOME LOANS' agent persuaded
13 Plaintiff's now deceased son, Hobert Washington, to obtain a loan from AMERICAN HOME
14 LOANS. AMERICAN HOME LOANS' agents made fraudulent misrepresentations to the
15 Plaintiff regarding the loan terms. Plaintiff relied on these representations to her detriment.
16 AMERICAN HOME LOANS failed to provide documents to the Plaintiff which are required
17 under the Truth in Lending Act "TILA," and Housing Urban Development Act "HUD."

18 In September 2009, Plaintiff contacted Defendant OCWEN for a loan modification.
19 Plaintiff did not hear back from Defendant OCWEN even though she sent them a completed
20 application. Around April 2010, Defendant WESTERN PROGRESSIVE sent Notices of Default
21 in an aggressive and harassing manner.

22 Based on these allegations, Plaintiff filed suit for violation of the Truth in Lending Act,
23 15 United States Code Section 1601, *et seq.*; violation of the Real Estate Settlement Procedures
24 Act, 12 United States Code Section 2601, *et seq.*; rescission of contract; predatory lending
25 practices; unjust enrichment; violation of California Business and Professions Code Section
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1 17200, *et seq.* (“UCL”); violation of California Civil Code §§ 1709, 1571 *et. seq.*; negligent
2 misrepresentations; violation of Consumer Legal Remedies Act , California Civil Code §§
3 1770(5)(9)(16)(19); breach of fiduciary duties; and financial abuse of elders under California
4 Welfare & Institutions Code § 15610.30.

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6 Defendants LODS CAPITAL ESCROW and NIKKI HALL deny any allegations of
7 wrongdoing.

8 **C. SERVICE OF PROCESS**

9 Defendant **WESTERN PROGRESSIVE, LLC**, was served with the Second Amended
10 Complaint on September 23, 2010. No response has been filed to date.

11 Defendant **HOME LOANS DIRECT** was served with the Second Amended Complaint
12 on September 23, 2010. No response has been filed to date.

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14 Plaintiff has been unable to effect service of the Second Amended Complaint on
15 defendant **FOX FIELDS FINANCIAL**. Plaintiff filed a Declaration of Due Diligence
16 regarding this defendant on October 13, 2010.

17 Plaintiff has been unable to effect service of the Second Amended Complaint on
18 defendant **DENNIS WILLIAM COX**. Plaintiff filed a Declaration of Non-Service regarding
19 this defendant on October 13, 2010.

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21 **D. JOINDER OF ADDITIONAL PARTIES**

22 The parties do not anticipate the joinder of additional parties at this time.

23 **E. AMENDMENT OF PLEADINGS**

24 Plaintiff filed a Second Amended Complaint on September 21, 2010. No further
25 amendments are anticipated.

26 **F. JURISDICTION AND VENUE**

27 Jurisdiction is proper in this Court because plaintiff's Complaint includes claims for
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1 Violation of the Truth in Lending Act, 15 United States Code Section 1601, *et seq.* and Violation
2 of the Real Estate Settlement Procedures Act, 12 United States Code Section 2601, *et seq.* All of
3 plaintiff's claims arise from the same controversies and series of events.

4 Plaintiff contends venue is proper in this Court. Defendants deny that venue is improper
5 as to Defendant LODS which has its sole office in Orange County.
6

7 **G. ANTICIPATED MOTIONS**

8 The parties anticipate that discovery motions and/or other motions including, but not
9 limited to, motions in limine may be filed, depending upon how the case progresses.

10 **H. ANTICIPATED DISCOVERY**

11 The parties believe that discovery should be deferred pending the pleadings challenges
12 and until such time as the pleadings are set. This approach will ensure that judicial resources and
13 those of the parties are not directed toward claims and issues that will not be part of the case
14 going forward.
15

16 **I. PROPOSED DISCOVERY PLAN**

17 (1) All parties agree that the exchange of Initial Disclosures should be deferred until
18 30 days after the last defendant files an answer or responsive pleading to the then-operative
19 complaint.
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21 (2) The parties do not believe that phased discovery is needed.

22 (3) The parties do not currently foresee any discovery issues or disputes that require
23 the Court's involvement. Should any such issue arise, the parties agree to work together in good
24 faith to resolve the issue but will promptly submit any such issue to the Court for resolution if
25 required.

26 (4) All parties agree that the limitation on discovery set by the federal and local rules
27 should govern unless a party makes a showing that additional discovery is required and obtains
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1 an order from the Court approving such discovery.

2 **J. SCHEDULING OF FURTHER PROCEEDINGS**
3 **AND COMPLETION DATES**

4 The parties believe that any discovery plan and other issues, including the Federal Rules
5 of Civil Procedure 26(f) conference should be continued in this matter until pleadings are closed.

6 **K. APPROPRIATENESS OF SPECIAL PROCEDURES**

7 No special procedures are contemplated at this time.

8 **L. JURY TRIAL DEMAND**

9 Jury has been demanded.

10 **M. ESTIMATE OF TRIAL TIME**

11 The parties estimate a 4-5 day jury trial.

12 **N. PROPOSED MODIFICATION TO STANDARD**
13 **PRETRIAL PROCEEDINGS**

14 The parties do not currently anticipate any need to modify the standard pretrial
15 procedures.

16 **O. RELATED CASES**

17 No related matters.

18 **P. SETTLEMENT**

19 The parties are willing to participate in mediation, but believe that mediation will only be
20 effective if it takes place after the pleadings are settled and discovery is underway. The parties
21 do not consent to the trial judge or magistrate judge acting as settlement judge at this time.

22 **Q. VOLUNTARY DISPUTE RESOLUTION PROGRAM.**

23 The parties are willing to participate in mediation, but believe that mediation will only be
24 effective if it takes place after the pleadings are settled and discovery is underway.

1 **R. OTHER MATTERS THAT MAY BE CONDUCTIVE TO THE JUST AND**
2 **EXPEDITIOUS DISPOSITION OF THE MATTER**

3 The parties are not aware of any other matters that should be discussed at this time.

4 DATED: November 8, 2010

ABDALLAH LAW GROUP

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7 **MITCHELL L. ABDALLAH**
8 Attorneys for Plaintiff LILLY MAE WASHINGTON

9 DATED: November 8, 2010

FRED S. PARDES LAW OFFICES

10 
11 **FRED S. PARDES**
12 Attorneys for Defendants NIKKI HALL and
13 LODES CAPITAL ESCROW, INC. - 7 pages

14 DATED: November 9, 2010

OLSON LAW FIRM

15  see email attached
16 **SHAWN M. OLSON**
17 Attorneys for Defendant JONATHAN ANNETT
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From: Shawn Olson [<mailto:shawnmolson@gmail.com>]
Sent: Tuesday, November 09, 2010 4:23 PM
To: tricia@abdallahlaw.net
Subject: Re: FW: Washington v. Home Loans Direct

Ms. Lenox,

I am in the Bahamas on vacation. I did not know that I needed to sign the Joint Status Report before I left; nevertheless, I reviewed it and it looks ok to me. Please put an /s/ by my signature line as I have no way to sign it until next Monday.

Thank You,

Shawn M. Olson, Esq.
OLSON LAW FIRM
7372 Prince Drive, Suite 104
Huntington Beach, CA 92647
Telephone: (714) 847-2500
Facsimile: (714) 847-2550

From: Tricia Lenox [<mailto:tricia@abdallahlaw.net>]
Sent: Monday, November 08, 2010 9:14 AM
To: 'Shawn@shawnolsonlaw.com'; 'fred@fredpardes.com'
Cc: 'Mitch Abdallah'
Subject: Washington v. Home Loans Direct

Attached is our proposed Joint Status Report, which is past due (should have been filed Nov. 1). Please review and return your signature page to me as soon as possible. I want to e-file this today. If there are edits you want made, let me know. (I also faxed this document to both of you this morning.)

Tricia Lenox, Paralegal

1006 4th Street, 4th Floor

Sacramento, CA 95814

916-446-1974 [*fax 916-446-3371*]

Washington v. Home Loans Direct, et al.
USDC, Central District of California, Case No. 2:09-CV-08213-SJO-RZ

PROOF OF SERVICE

I, the undersigned, declare: I am a citizen of the United States and am employed in the County of Sacramento, State of California. I am over the age of 18 and not a party to the within action; my business address is 1006 4th Street, 4th Floor, Sacramento, California 95814.

On November 9, 2010, I served the foregoing document described as: **JOINT STATUS REPORT FOR SCHEDULING CONFERENCE** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

For Defendants Lodes Capital and Nikki Hall:

Fred S. Pardes, Esq.

Fred S. Pardes Law Offices

fred@fredpardes.com

34211 Pacific Coast Highway, Suite 103

Dana Point, California 92629

(949) 443-3400 [fax 949-443-3601]

For Defendant Jonathan Annett:

Shawn M. Olson, Esq.

Olson Law Firm

Shawn@shawnolsonlaw.com

16351 Gothard Street, Suite D

Huntington Beach, California 92647

(714) 847-2500 [fax 714-847-2550]

For Defendants Ocwen and MERS:

Brent A. Kramer, Esq.

Houser & Allison

bkramer@houser-law.com

3760 Kilroy Airport Way, Suite 260

Long Beach, California 90806

(949) 679-1111 [fax 949-679-1112]

☐ **BY FACSIMILE** to the fax numbers above.

☒ **BY ELECTRONIC MAIL** to the email addresses above.

☐ **BY MAIL depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid. I am readily familiar with my employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service the same day it is placed for collection in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 9, 2010, in Sacramento, California.


TRICIA LENOX